IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 1017 OF 2005

IN

FIRST APPEAL NO. 277 OF 2001

Sau. Nirmala B. Mhatre since
deceased through L.Rs.
Mahendra B. Mhatre ..Applicant

versus

Shivaji S. Gavde & Ors. ..Respondents

Mr. S. M. Kamble for the Applicant.
A. Mhatre i/b. P. K. Dhakephalkar for the Respondent No.1

CORAM : D. G. DESHPANDE,J.

DATE : 27TH JUNE,2005.

P.C. :

. This is an application for bringing L.Rs. on record of the deceased appellant, setting aside abatement and for condonation of delay.

. Heard both the Advocates.

. This appeal is arising out of a decree for specific performance. The appellant was the original defendant. Applicant has contended that he is a

layman and therefore not aware of the legal procedure and therefore the delay was caused. Looking to the explanation and the facts and other circumstances, the expalantion is accepted. Delay is condoned. Abatement is set aside. Application is allowed.

. Amendment to be carried out within two weeks from today.

. There is one more Civil Application No.2764 of 2004 taken out by the respondents for appointment of Court Receiver. Since the Appeal is filed in 2001 the appellant to prepare and file paper book within three weeks from today. Appeal will be heard on 2.8.2005 finally along with pending Civil Application filed by the Respondents. Respondents to carry out amendment in Civil Application accordingly.

27.6.05 (D.G. DESHPANDE, J.)